IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 19929 of 2007(V)

PETITIONER:

BINDHU S.S., U.P.S.A, CONCORDIA
LUTHERAN U.P.S.PERURKADA, THIRUVANANTHAPURAM,
NOW RESIDING AT RAJ BUILDINGS, T.C.5/591
OPPOSITE, POST OFFICE, PERURKADA,
THIRUVANANTHAPURAM.

BY ADV. SRI.N.NANDAKUMARA MENON
SRI.P.K.MANOJKUMAR

RESPONDENTS:

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1. THE DISTRICT EDUCATIONAL OFFICER,
THIRUVANANTHAPURAM.

2. THE ASSISTANT EDUCATIONAL OFFICER,
NORTH, THIRUVANANTHAPURAM.

3. THE MANAGER, CORPORATEL MANAGEMENT OF
LUTHERAN SCHOOLS, INDIA EVANGELICAL LUTHERAN
CHURCH, THIRUVANANTHAPURAM SYNOD CALVARY LUTHERAN
CHURCH, PERURKADA P.O., THIRUVANANTHAPURAM-695 005

4. THE HEADMISTRESS, CONCORDIA LUTHERAN
U.P.S. PERURKADA, THIRUVANANTHAPURAM.1.

BY ADV. SRI.V.GIRI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No. 19929 of 2007

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Dated this the 10th day of August, 2007.

J U D G M E N T

The limited prayer in this writ petition which is at the instance of an Upper Primary School Assistant working in Concordia Lutheran U.P. School, Peroorkada under the management of respondent No.3 is to issue a direction to respondent No.1 to take a decision on Exts.P5 and P6 appeals expeditiously.

2. According to the petitioner she was appointed as UPSA in the school by order dated June 1, 2005 by the then Manager in a maternity leave vacancy of Smt.Sheela from June 1, 2005 till October 13, 2005. Ext.P1 is stated to be the order of appointment. It is further contended by the petitioner that the tenure of appointment was extended with effect from October 14, 2005 till May 2006 as could be seen from Ext.P2. Though the orders of appointment were forwarded to the Assistant Educational officer, Trivandrum North, no action was taken by the Officer concerned. Later the A.E.O declined to approve the above appointments by Exts.P3 and P4 orders . It is against the said orders that the Manager has preferred Exts.P5 and P6 appeals.

3. In view of the limited prayer made by the learned counsel for the petitioner at the Bar, I do not deem it necessary to refer to the various contentions raised by her at this stage. In my view, the statutory authority has to take a decision in the appeals in accordance with law .

4. In the above facts and circumstances the writ petition is

disposed of with a direction to respondent No.1 to consider and pass orders on Ext.P5 and P6 appeals strictly on their merit and in accordance with law, as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this judgment. Needless to mention that the petitioner and the Manager of the school who is presently in charge of the affairs of the institution shall be afforded sufficient opportunity to be heard before any decision is taken in the matter. Respondent No.1 shall also keep in view the judicial precedents on the issue, while taking a decision on the appeals.

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.1 for compliance.

A.K. Basheer

Judge.

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